

Application

Form Number _____

If form has been previously approved, date of approval _____

Note that if the application form was previously approved, it still must be submitted to make the filing complete.

Each filing for an individual product must include a certification by a company official that each form meets the objective standards of M.G.L. c. 175 §2B. If an insurer feels that a form is exempt from chapter 175 §2B, the basis for the contention must be stated in the cover letter. The term "text" includes all printed matter except the name and address of the insurer, name or title of the contract, the brief description, if any, captions and subcaptions, and schedule pages and tables. *M.G.L. c. 175 §2B*

___ The application must achieve a minimum Flesch score of 50. The Flesch score for each form must be stated in the certification: a statement to the effect that the score exceeds 50 is not permitted. If the application fails to score 50, an explanation must be given and the certification must indicate that the application, in conjunction with any other form or combination of forms, will achieve a score of at least 50. *Bulletin SRB 90-02*

Fraud Warning

___ Does the application contain a fraud warning?

___ yes ___ no (**note: Massachusetts does not require a fraud warning**)

If yes, its wording must comply with

___ the NAIC model language:

“ Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.”

OR

___ language required by one of the states that require specific language

___ must identify the state

___ must present support for using that state’s language on a Massachusetts form.

___ cannot use any state language that is specific to that state; *e.g.*, Florida states that a fraudulent statement is “a felony of the third degree.” This is not true of Massachusetts and the Florida warning could not, therefore, be used here.

Electronic Signatures

___ Does the carrier contemplate using electronic signatures?

___ yes

___ no

The Division allows for electronic signature capture only when the application process involved and the software used can ensure the security of the consumer and the integrity of the sales process.

If yes, there must be a document explaining the procedure for signature capture and the security measures taken, including at a minimum:

- ___ The physical arrangements and actual presentation of data must be identical to the application form approved by the Division.
- ___ The signatures of the applicant and enroller must be displayed on the computer screen in real time.
- ___ Once accepted, the application record and signature must be bound in a single record.
- ___ “Awareness protection” must include confirmation dialogue that the signer understands precisely the intentions of the signature and must provide visual confirmation of the actual signing.
- ___ The encryption and storage of the signature and reviewed data to which it is attached must be automatic. Through encryption, the bonded signature and data cannot be changed without recognition of the fact that it was changed.
- ___ The software system must automatically purge electronic signatures from the file once the contract has been issued, to prevent the use of the signature for any purpose other than those specific to issuance of the contract.
- ___ A form, with a form number, must be given to prospective contractholders which explains the procedure and the security measures.

Requirements for replacement

Is the application for any of the following?

- ☐ credit life insurance;
- ☐ group life insurance or group annuities;
- ☐ proposed life insurance that is to replace life insurance under a binding or conditional receipt issued by the same company;
- ☐ internal replacements where the replacing insurer and the existing insurer are the same, or are subsidiaries or affiliates under common ownership or control; provided, however, that agents or brokers proposing replacement shall comply with the requirements of agents who initiate the application;
- ☐ insurance paid for wholly or partly by the insured's employer or by an association of which the insured is a member, or insurance in a qualified pension, profit sharing or other benefit plan;
- ☐ life insurance policies issued in connection with a pension, profit sharing or other benefit plan qualifying for tax deductibility of premiums.

If yes to any of the above, 211 CMR 34.00 (*i.e., the following section*) does not apply. *211 CMR 34.03(1)(a) through (f)*

Each application must contain (with or part of each application):

- ☐ a statement signed by the applicant as to whether replacement of existing life insurance or annuity is involved in the transaction. *211 CMR 34.04(1)(a)*
- ☐ a signed statement as to whether the agent or broker knows replacement is or may be involved in the transaction. *211 CMR 34.04(1)(b)*
 - ☐ a request for a list of all existing life insurance and annuity to be replaced identified by name of insurer, the insured and contract number. If a contract number has not been assigned by the existing insurer, alternative identification, such as an application or receipt number, can be listed. *211 CMR 34.04(2)(b)*
- ☐ a provision that advises the applicant that the agent is required to leave with the applicant the original or a copy of written or printed communications used for presentation to the applicant. *211 CMR 34.04(2)(c)*
- ☐ a provision that advises the applicant that the agent is required to submit to the replacing insurer with the application a copy of the replacement notice *211 CMR 34.04(2)(d)*

Note: If in the solicitation of a direct response sale, the insurer did not propose the replacement, and a replacement is involved, the insurer may delete the last sentence and the references to signatures from such notice without having to obtain approval of the form from the commissioner. 211 CMR 34.07(1)

Is the filing for any of the following?

- ☐ internal replacements where the replacing insurer and the existing insurer are the same, or are subsidiaries or affiliates under common ownership or control; provided, however, that agents or brokers proposing replacement shall comply with the requirements of agents who initiate the application;

- ☐ insurance paid for wholly or partly by the insured's employer or by an association of which the insured is a member, or insurance in a qualified pension, profit sharing or other benefit plan;
- ☐ life insurance policies issued in connection with a pension, profit sharing or other benefit plan qualifying for tax deductibility of premiums.

If yes to any of the above, 211 CMR 34.00 does not apply. *211 CMR 34.03(1)(a) through (f)*

☐ Is the filing for any of the following?

- ☐ investment annuity
- ☐ any other contracts issued by life insurance companies which are registered with the federal Securities and Exchange Commission

If yes to any of the above, the filing is exempt from the provisions requiring policy summary information; however, premium or contract contribution amounts and identification of the appropriate prospectus or offering circular is required instead. *211 CMR 34.03(2)*